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BY ECF

Honorable Robert W. Lehrburger
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Isa-Abdul Karim v. Correction Officer Dayne Ball and Captain Katia Leon
18-CV-11508 (AJN)(RWL)

Your Honor:

I represent defendants Dayne Ball and Katia Leon in the above-referenced matter. I write jointly with plaintiff's counsel to respectfully request a 60-day extension of time to complete fact discovery in this matter, until November 14, 2021. This is the parties' third request for an extension of discovery.

By way of background, discovery was originally scheduled to close in this matter on April 10, 2021 (ECF No. 69). On April 20, 2021, the parties jointly requested an extension of the close of discovery to July 15, 2021, largely on the grounds that plaintiff was not yet able to provide certain releases for medical records to defendants, and thus the parties were not prepared to proceed with depositions or engage in meaningful settlement discussions (ECF No. 72). The Court granted the parties' request on April 21, 2021 (ECF No. 73). Due to plaintiff's disability and moving of residences, it was difficult for plaintiff and his attorney to arrange to sign and notarize the releases. On June 18, 2021, the parties filed a joint status letter in which they requested a second extension of discovery, until September 15, 2021, largely on the grounds that the parties had not obtained many of plaintiff's medical records (ECF No. 75). The Court granted the parties' request on June 18, 2021 (ECF No. 76).

Since the Court granted the parties' second request for an extension of discovery, plaintiff provided defendants with releases for plaintiff's medical records on July 23, 2021. This Office processed the releases but has not yet received the corresponding medical records, and thus is not yet fully prepared to proceed with plaintiff's deposition. Accordingly, the parties respectfully request a 60-day extension of the deadline to complete fact discovery—until

November 14, 2021—so as to allow the parties to receive plaintiff's medical records, complete depositions, resolve other outstanding document discovery, and engage in meaningful settlement discussions. The parties further respectfully request that the Court adjourn the post-discovery status conference currently scheduled for October 8, 2021, until after November 14, 2021.

The parties thank the Court for its time and attention to this matter.

Respectfully,

/s/ *Zachary Kalmbach*
Zachary Kalmbach
Assistant Corporation Counsel

cc: **Via ECF**
Leo Glickman, Esq.
Attorney for plaintiff